

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BARCLAYS CAPITAL INC.,

Plaintiff,

v.

TRILANTIC CAPITAL PARTNERS III L.P. and
TRILANTIC CAPITAL PARTNERS IV L.P.,

Defendants.

10-CV-3221 (NRB)

Electronically filed

PLAINTIFF'S STATEMENT DENYING ALLEGATION OF CORE PROCEEDING

Plaintiff Barclays Capital Inc. ("Barclays") hereby protectively files this statement in accordance with Bankruptcy Rule 9027(e)(3), which may apply in the event that this action is referred to the Bankruptcy Court as defendants have requested.

Bankruptcy Rule 9027(e)(3) states in full:

Any party who has filed a pleading in connection with the removed claim or cause of action, other than the party filing the notice of removal, shall file a statement admitting or denying any allegation in the notice of removal that upon removal of the claim or cause of action the proceeding is core or non-core. If the statement alleges that the proceeding is non-core, it shall state that the party does or does not consent to entry of final orders or judgment by the bankruptcy judge. A statement required by this paragraph shall be signed pursuant to Rule 9011 and shall be filed not later than 14 days after the filing of the notice of removal. Any party who files a statement pursuant to this paragraph shall mail a copy to every other party to the removed claim or cause of action.

Barclays hereby denies the allegation at paragraph 9 of defendants' Notice of Removal dated April 15, 2010, which stated in full: "Upon removal, this action is a core proceeding."

Barclays does not consent to entry of final orders or judgment by a bankruptcy judge.

Dated: April 29, 2010
New York, New York

Respectfully submitted,

/s/

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Attorneys for Plaintiff Barclays Capital Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of the foregoing PLAINTIFF'S STATEMENT DENYING ALLEGATION OF CORE PROCEEDING to be served via ECF on April 29, 2010 to Defendants through their counsel:

Robert C. Micheletto
JONES DAY
222 East 41st Street
New York, New York 10017

/s/

Christopher E. Duffy